

# Notice of Allowability

Application No.

10/666,061

Examiner

Theresa Trieu

Applicant(s)

THOMAS ET AL.

Art Unit

3748

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

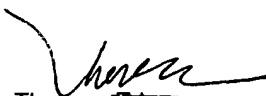
1. ☒ This communication is responsive to the applicants' amendment filed on Oct. 23, 2006.
2. ☒ The allowed claim(s) is/are 8-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Theresa Trieu  
Primary Examiner  
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### EXAMINER'S AMENDMENT

This Office Action is responsive to the applicants' amendment filed on November 2, 2006.

Claims 8, 9, 20 and 27 have been amended. Claims 1-7 have been canceled. Accordingly, claims 8-27 are pending in this application.

#### *Allowable Subject Matter*

Claims 8-27 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 8: the prior art fails to disclose or render obvious the claimed combination including: at least one deep groove ball bearing for supporting the drive shaft and having a sound dampening grease sealed within the beating; a rotor with vane receiving slots coupled to the drive shaft for rotation therewith; a body which defines a cavity within which the rotor rotates, the body fabricated of a first sound dampening material; a non-vented shroud which surrounds the body, the shroud comprising laminated layers of at least one layer of metal and at least one layer of a second sound dampening material; a front plate engaging the body in defining a pair of air conducting chambers; and a muffler box which engages the front plate and defines an inlet port and an outlet port, each of which communicates with one of the chambers.

Regarding claim 20: the prior art fails to disclose or render obvious the claimed combination including: at least one deep groove ball bearing for supporting the drive shaft and having a sound dampening grease sealed within the beating; a rotor with vane receiving slots coupled to the drive shaft for rotation therewith, wherein an angular relation between the centerline of a vane slot and a line passing through the rotor center of the rotor and the center of

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the vane slot opening thereof at the periphery of the rotor being from about  $23^{\circ}$  to about  $25^{\circ}$ ; a body which defines a cavity within which the rotor rotates, the body fabricated of grey iron and weighing no less than about 4.63 lbs; a non-vented shroud which surrounds the body, the shroud comprising laminated layers of at least one layer of metal and at least one layer of a second sound dampening material; a front plate engaging the body in defining a pair of air conducting chambers; and a muffler box which engages the front plate and defines an inlet port and an outlet port, each of which communicates with one of the chambers.

Regarding claim 27: the prior art fails to disclose or render obvious the claimed combination including: a rear plate coupled to the motor housing through an inlet ring fabricated of crushable steel and sealing against both the motor housing and the rear plate; at least one deep groove ball bearing for supporting the drive shaft and having a sound dampening grease sealed within the bearing; a rotor with vane receiving slots coupled to the drive shaft for rotation therewith, wherein an angular relation between the centerline of a vane slot and a line passing through the rotor center of the rotor and the center of the vane slot opening thereof at the periphery of the rotor being from about  $23^{\circ}$  to about  $25^{\circ}$ ; a body which defines a cavity within which the rotor rotates, the body fabricated of grey iron and weighing no less than about 4.63 lbs; a non-vented shroud which surrounds the body, the shroud comprising laminated layers of at least one layer of metal and at least one layer of a second sound dampening material; a front plate engaging the body in defining a pair of air conducting chambers; and a muffler box which engages the front plate and defines an inlet port and an outlet port, each of which communicates with one of the chambers.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theresa Trieu whose telephone number is 571-272-4868. The examiner can normally be reached on Monday-Friday 8:30am- 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TT  
November 3, 2006

  
Theresa Trieu  
Primary Examiner  
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